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March 27, 2023

Via ECF

Hon. Philip M. Halpern
United States District Court, Southern District of NY
300 Quarropas Street
White Plains, New York 10601

Re: Zappier v. Project Veritas et al.
7:22-cv-06709 – PMH
Motion To Strike Memorandum

Dear Judge Halpern:

I write to Your Honor in response to Plaintiff's most recent letter (Doc. 39) in support of Plaintiff's letter motion to strike Mr. Spadone's Reply Memorandum of Law (Doc. 35). The motion should be denied, and the Court should consider Mr. Spadone's Reply Memorandum. Although Plaintiff's counsel suggests that the Exhibit to Mr. Spadone's Reply was a "draft" memorandum, the reason that it was not filed with the Court was because it was a non-conforming brief that exceeded the page limit imposed by Your Honor's rules—not because it was a draft. Given the bundle rule for filing, Defendants' counsel jointly requested that Plaintiff submit a conforming brief for filing, which was done and then bundle filed with all other motion papers. Since the issue was raised by Plaintiff's Memorandum, it could not have been addressed in Defendants' pre-motion letter.

Given that the Reply Memorandum responds specifically to Plaintiff's own motion submission, it is appropriate for the Court to consider the Reply Memorandum. We respectfully ask the Court to deny Plaintiff's letter motion.

Respectfully submitted,

/s/ Christopher Ryan Clarke

Christopher Ryan Clarke

cc: All Counsel (via ECF)